

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

INTERNATIONAL STAR REGISTRY)	
OF ILLINOIS, LTD.,)	
)	
Plaintiff,)	
)	
v.)	No. 06 C 625
)	
ABC RADIO NETWORK, INC.,)	
)	
Defendant.)	

MEMORANDUM ORDER

ABC Radio Network, Inc. ("ABC") has filed its Answer and Counterclaim in this action brought against it by International Star Registry of Illinois, Ltd. This memorandum order is issued sua sponte to address one problematic aspect of that responsive pleading.

Although ABC is properly faithful to the form of disclaimer prescribed by the second sentence of Fed. R. Civ. P. ("Rule") 8(b) to allow a defendant to get the benefit of a deemed denial, in each instance ABC then goes on to say "and therefore denies the same" (Answer ¶¶9, 11, 13-15, 17 and 26). That of course is an oxymoron: If a party really lacks enough information even to form a belief as to the truth of an allegation, by definition the party is not in a position to deny that allegation in the objective good faith required by Rule 11. Accordingly the above-quoted phrase is stricken from each paragraph where it appears.



Milton I. Shadur
Senior United States District Judge

Date: October 12, 2006